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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/500,851	07/16/2004	Susumu Senshu	255147US6PCT	2817
22850	7590	07/02/2008	EXAMINER	
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			NALVEN, ANDREW L	
			ART UNIT	PAPER NUMBER
			2134	
			NOTIFICATION DATE	DELIVERY MODE
			07/02/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/500,851	SENSHU, SUSUMU	
	Examiner	Art Unit	
	ANDREW L. NALVEN	2134	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 28 April 2008.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1,3-9 and 40 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
 5) Claim(s) ____ is/are allowed.
 6) Claim(s) 1,3-9 and 40 is/are rejected.
 7) Claim(s) ____ is/are objected to.
 8) Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 16 July 2004 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. ____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ . |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____ . | 6) <input type="checkbox"/> Other: ____ . |

DETAILED ACTION

1. Claims 1, 3-9, and 40 are pending.

Response to Arguments

2. Applicant's arguments regarding the writing of data to a physical cluster are moot in view of the new grounds of rejection.

3. Applicant's remaining arguments with respect to claims 1, 3-9, and 40 have been considered but are not persuasive.

4. Applicant argues on page 6 that Okamoto fails to teach that user data and user control data are recorded on a recording medium and that protection information is recorded in the user control data. Examiner respectfully disagrees. Okamoto teaches protection information is recorded in the user control data (Okamoto, column 11 lines 15-25, column 10 lines 58-67). Okamoto teaches protection information is recorded in the user control data and is recorded on the recording medium by teaching control information (Okamoto, Figure 6A) that is modified to become recorded control information (Okamoto, Figure 6B) that is recorded onto the recording medium (Okamoto, column 10 lines 57-67). Okamoto's control information is composed of data which includes protection information in the form of copy control, APS, encryption information, and user identification (Okamoto, Figure 6B).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 1, 3-5, 7-9, 40 are rejected under 35 U.S.C. 103(a)** as being unpatentable over Okamoto et al US Patent No. 7,310,823 in view of Lee et al US PGPub 2003/0206509.
6. **With regards to claims 1, 9 and 40,** Okamoto teaches a recording system in which an input device and a recording apparatus are connected to each other via a bus (Okamoto, Figure 4, column 7 lines 35-45), said input device comprising determination means for determining whether input content is to be protected (Okamoto, column 8 lines 10-13, encrypted as needed), said recording apparatus comprising recording means for recording data (Okamoto, column 11 lines 15-25, unit of 2K bytes) on a recording medium, wherein the content is recorded in the user data (Okamoto, column 10 lines 58-67, content added to recording medium along with control information) and, protection information is recorded in the user control data (Okamoto, column 10 lines 57-67, Figure 6B), the protection information indicating whether the content is to be protected when being transmitted on the bus based on a determination result obtained by said determination means (Okamoto, column 8 lines 10-26). Okamoto fails to teach

recording data in a unit of a physical cluster. However, Lee teaches recording data in a unit of a physical cluster (Lee, paragraph 0015). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to utilize Lee's method of recording data in units of clusters because it offers the advantage of ensuring a smooth and continuous recording and reproducing in the event of the recording of a defective area on the disk (Lee, paragraph 0009, 00015).

7. **With regards to claim 3**, Okamoto as modified teaches the predetermined unit is 2048 bytes content (Okamoto, column 8 lines 28-37).

8. **With regards to claim 4**, Okamoto as modified teaches said recording apparatus further comprises encryption means for encrypting the content by using an ID and a recording medium key of the recording medium when said determination means determines that the content is to be protected (Okamoto, column 8 lines 10-27).

9. **With regards to claim 5**, Okamoto as modified teaches said recording apparatus further comprises encryption means for encrypting the content by using at least a recording medium key of the recording medium when said determination means determines that the content is not to be protected (Okamoto, column 8 lines 10-27).

10. **With regards to claim 7**, Okamoto as modified teaches a recording system according to claim 1, wherein: said input device further comprises first encryption means for encrypting the content before being sent to the bus when said determination means determines that the content is to be protected; and said recording apparatus further comprises second encryption means for encrypting the content before being

recorded by said recording means when said determination means determines that the content is to be protected (Okamoto, column 8 lines 10-27).

11. **With regards to claim 8**, Okamoto as modified teaches said first encryption means prohibits the content from being encrypted before being sent to the bus when said determination means determines that the content is not to be protected (Okamoto, column 8 lines 10-27).

12. **Claim 6 is rejected under 35 U.S.C. 103(a)** as being unpatentable over Okamoto et al US Patent No. 7,310,823 and Lee et al US PGPub 2003/0206509, as applied to claim 1 above, and in further view of Ando et al US Patent No. 7,286,746.

13. **With regards to claim 6**, Okamoto as modified fails to teach each of said input device and said recording apparatus further comprises authentication means for authenticating each other. However, Ando teaches each of said input device and said recording apparatus further comprises authentication means for authenticating each other (Ando, column 3 lines 39-45). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to utilize Ando's method of mutual authentication because it offers the advantage of ensuring that the recording and input devices are known devices which will limit the chances of the exposing of an encryption key (Ando, column 22 lines 30-50).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANDREW L. NALVEN whose telephone number is (571)272-3839. The examiner can normally be reached on Monday - Thursday 8-6, Alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Zand can be reached on 571 272 3811. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Andrew L Nalven/
Primary Examiner, Art Unit 2134